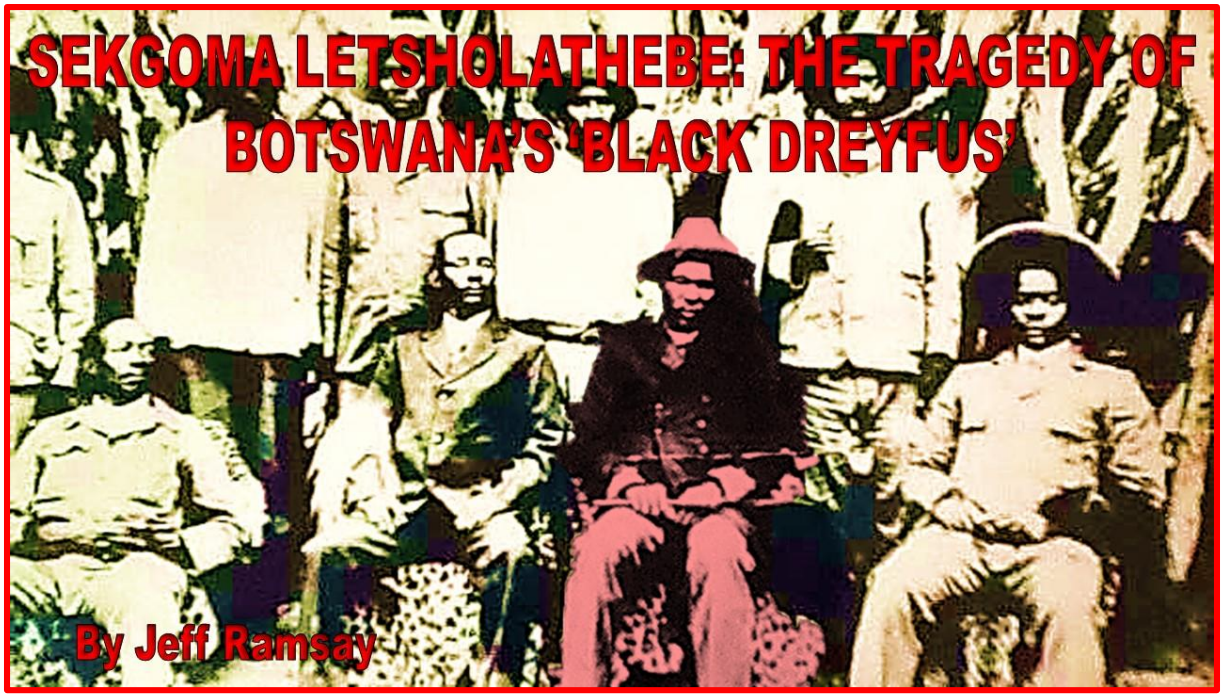

SEKGOMA LETSHOLATHEBE: THE TRAGEDY OF BOTSWANA'S BLACK DREYFUS - BY JEFF RAMSAY

Forward

In his dynamic rise and tragic fall the Batawana Kgosi Sekgoma aLetsholathe was one of the most consequential figures in Botswana's history. The following brief profile of his triumphs and travails is an expanded version of a six-part *Builders of Botswana* series that was originally published in the Weekend Post (Gaborone) newspaper between January 12th and February 23rd of 2016, also appearing on this author's Botswana History focused Facebook page (www.facebook.com/jeff.ramsay.948). Content for this article has drawn heavily on the research of others, whose contributions are listed at the end. I am especially indebted to Barry Morton for sharing his deep insights, both verbally and in publications, into the internal politics of the Batawana court during the period.

Introduction

Kgosi Sekgoma aLetsholathebe II (1873-1914) has the tragic distinction of being the first Motswana to legally challenge the authority of the colonial state in its metropolitan courts. As the ruler of the Batawana from 1891, until his removal from power as "Chief" by the British in 1906, Sekgoma displayed ruthless talent in asserting his independent authority. Through a combination of charisma and the skilful use of patronage, he came to command broad popular support among his subjects. This was especially true among those who were not at the time considered to be the paternal descendants of the morafe's original, *ba bina phuti*, founders.

Following his removal, Sekgoma was detained without trial for just over five years by the British at Gaborone. His lawyers argued that his detention violated his natural right under the law to either be tried or released. Unfortunately for him, and many other Batswana who would follow in his footsteps, the Imperial courts ultimately ruled that as a British Protected Person, rather than a Crown subject, Sekgoma had no legal standing. The decision thus upheld the absolute authority of the High Commissioner, acting on behalf of the British Crown, to rule over the Bechuanaland Protectorate without any domestic restraint.

The boy who would be King

Sekgoma's 1906-11 detention was rooted in disputes over bogosi. Following a brief period of regency under his uncle and mentor Dithapo aMeno, Sekgoma assumed the Batawana throne following the death of his elder brother Moremi II (1855-1891). The latter had ruled the Batawana from 1877 until 1891, during which time the kingdom continued to expand, building on the considerable achievements of his and Sekgoma's father, Kgosi Letsholathebe I (c.1830-74; ruled from 1847-74). A highlight of Moremi II's reign was his decisive victory over invading Amandebele in the 1884 battle at Khutiyabasadi.

The circumstances of Sekgoma's elevation to the throne and subsequent claims to *bogosi* [kingship] as his birthright remain contentious. It is commonly claimed that Sekgoma assumed the throne as regent or *motswareledi-kgosi* for the then-under-age Mathiba (1888-1933), who was the son and heir apparent of Moremi II. However, the Batawana were already deeply divided over the issue at the time of his installation.

The history of Batswana *merafe* or communities is replete with examples of dynastic disputes that often revolved around the ranking of royal wives in the context of polygamy. This is certainly the case with the rival claims of Moremi and Sekgoma who were born of different mothers. Their father, Kgosi Letsholathebe I, had at least eight wives during his reign, but only three living sons at the time of his death. The mother of Moremi was Mphepheng also known as MmaMakaba, who had been a Mongwaketse captive of the Amandebele before escaping to Ngamiland. Her marriage to Letsholathebe was confirmed shortly after the latter assumed bogosi. Before then she is said to have been the wife of one of Letsholathebe's age mates.

Sekgoma's mother, Boleko, was a daughter of the Bangwato Kgosi Sekgoma I, and thus a half-sister to his successor Khama III. She died while giving birth to Sekgoma, a few months before Letsholathebe's own death. It is alleged that as a precondition for allowing the marriage the Mongwato Sekgoma had insisted that

any first-born son of his daughter would be recognised as Letsholathebe's senior heir. Based on his knowledge of Bangwato and Batawana oral accounts, Gerald Enright Nettelton, in his "History of Ngamiland Tribes to 1926", observed of Sekgoma's pedigree:

"It would seem that Sekgoma only allowed Letsholathebe to marry Boleko on condition that a son by her would be the Chief of the Batawana since Boleko was of higher birth than Mma-Makaba. Boleko gave birth to Sekgoma Letsholathebe who under the above-mentioned condition was the rightful heir to the chieftainship. Letsholathebe died while Sekgoma was a small child and Moremi II succeeded in the ordinary course of events as he was regarded as the elder son and was then a grown man. During the whole of Moremi II's reign, Sekgoma was still too young to be made Chief, and it is perhaps for this reason that everything went smoothly and there was no attempt on his part to claim his rights.

"He seems to have been regarded by most of the people as the rightful Chief at the time, but Moremi II was allowed to carry on for him. When Moremi II died, Sekgoma was still too young to take on the responsibility of Chief, and Mathiba, the son of Moremi II, was also a small boy; so Dithapo (Wetshootsile's father) was made regent until such time as Sekgoma came of age when he was given the chieftainship and declared "Chief of the Batawana," as had been stipulated on the marriage of his mother. Sekgoma was also Mathiba's uncle and so, during the minority of the latter, would have been regent, and it may be that this was intended by some people."

The above passage, published in 1934, is especially notable given that it departs from the period's prevailing colonial narrative of events. This is especially true given that, from 1914 until he died in 1950, Nettleton served in various senior capacities within the Bechuanaland Protectorate administration, a long and imperially distinguished career that culminated in his tenures as Acting Resident Commissioner (1946-47) and Government Secretary (1947-50). Born in Lesotho as the son of missionaries, Nettleton grew up being fluent in Sotho-Tswana languages, a circumstance that further enhances the veracity of his pioneer historical research of the Batawana during the early 1920s, which was subsequently published in Setswana as well as English.

Concerning Letsholathebe's dynastic outreach, it may be further noted that he had previously sought to forge a similar marital alliance by marrying a daughter of the Bakwena Kgosi Sechele I. His Mokwena bride had, however, died without issue shortly after she arrived in Ngamiland.

During Moremi's reign, Sekgoma was raised in the household of his uncle Dithapo aMeno. A prominent *kgosana* [royal lineage head] who was also

Moremi's paternal cousin, Dithapo arranged for Sekgoma to spend much of his youth away from the court at a distant cattle post. This was quite possibly done for his physical protection. As a boy, it is said that the Sekgoma underwent a form of initiation among the local Bungakwe or Kxoe [otherwise known as Banoka/Basarwa/River Bushmen]. This would have occurred before his 1891 *bogwera* [Setswana initiation] into the Mayakakgang *mophato* [regiment] under Dithapo's auspices.

The above genealogical background is of significance given that once in power Sekgoma, with Dithapo's initial support, insisted that he was Letsholathebe's true heir. His ambition for bogosi had manifested itself earlier, in 1889-90, when Sekgoma twice attempted to seize power. A notable aspect of these incidents was the support that Sekgoma had enjoyed among prominent members of the Wayeyi, the largest ethnic group in the kingdom whom Batawana in general considered to be political subordinates. During Letsholathebe's reign, many Wayeyi had been reduced to the status of *malata* or slaves.

Sekgoma's first coup attempt occurred while Moremi was away on an extended hunting expedition. He and his supporters were able to seize control of the Batawna capital, Tsau, for a few weeks until Moremi's return. A few months later Sekgoma regrouped to make a second attempt but was defeated in an armed skirmish. This event is confirmed by European eyewitnesses, but according to Barry Morton who extensively collected oral traditions in the 1990s is now seemingly forgotten in local testimonies.

There were thus already serious political divisions within the Batawana state when Moremi died only a few months after crushing Sekgoma's second rebellion. Having assumed the role of transitional regent, Dithapo presided over the kgotla that installed Sekgoma in the face of considerable resistance from a faction led by another prominent kgosana, Thabeng Mogalakwe.

Relations between Bo-Mogalakwe and Bo-Sekgoma were soon worsened when Sekgoma took as his first wife Seokoneng (MmaDavide), who was then already married to Nakedi aThabeng.

Thereafter, questions persisted as to whether he was properly crowned as a ruler in his own right or was merely acting as the Motswaraledi-Kgosi for his young nephew Mathiba aMoremi II.

British Overrule

In the months immediately preceding Sekgoma's installation, Ngamiland, the core area of the Gatawana kingdom, formally became part of the Bechuanaland

Protectorate. This was a direct result of the Anglo-German boundary agreement of 1890, which resolved a wide range of territorial disputes between the two countries. The Batawana, of course, had not been directly consulted about the new colonial boundary, though Moremi II's documented preference for English concessionaires may have influenced the outcome.

Before 1890, Germany had made its own claims over Ngamiland, which were reinforced through official and private expeditions. Having been disappointed with the harsh environment of central Namibia, some Germans at the time looked upon Ngamiland as a *lebensraum* for the future expansion of white settler farming. Writing in an 1886 volume of the semi-official *Deutsche Kolonialzeitung* (German Colonial Journal) one such advocate had declared that the Batawana could be easily relieved of their land as they were "small and weakly built and morally and physically degenerate", adding: "The richest of the Tawana kaffirs possess horses and guns, but they are unable to use them well."

The above-stated contempt for Batawana martial prowess, however, ran counter to the earlier observations by another German, Aurel Schulz, who in 1884 had noted that Moremi II could field a mobile strike force of about 5000 armed men. The build-up of Batawana military capacity had begun under Letsholathebe I and continued during the reigns of both of his sons, Moremi II and Sekgoma. This had allowed the Batawana to successfully resist incursions by the Makololo, Amandebele and Boer Dorseland trekkers, while expanding their hegemony over such other groups as the Wayeyi, Bananjwa, Hambukushu and various Khoisan or Basarwa communities.

As Tom Tlou has previously pointed out, by the 1880s the elite soldiers among the Batawana consisted of mounted troops, who were under the Kgosi's direct command. The strength of this royal cavalry had been augmented c.1882 by the purchase of 2000 modern breech-loading rifles. Augmenting the cavalry were foot soldiers organised along the lines of traditional mephato and generally armed with older muzzle-loading muskets.

Sekgoma's Northern Expedition

The 1890 Proclamation confirming British jurisdiction over Ngamiland was not immediately accompanied by the arrival of any colonial officials. This only occurred in 1894, as a result of Kgosi Sekgoma's 1893 expedition up the Okavango into Angola, which took him through territories then claimed by the Germans as well as the Portuguese.

For what turned out to be his last and most notorious military expedition, Sekgoma mobilised a relatively small force consisting of a few hundred horsemen

all armed with modern breech-loading rifles. Upstream communication and a flow of supplies were maintained by his mobilisation of a large fleet of *mekoro*, wooden canoes.

Most of the strike force consisted of young Batawana and Wayeyi commoners. Throughout his reign, Sekgoma cultivated these groups in particular as a political counterweight to those Batawana notables or *dikgosana* who remained hostile to his desire to rule on his own behalf. Sekgoma's most outspoken opponent, Thabeng Mogalakwe also played a leading role in the expedition.

The Batawana initially set out against the "Bakwangadi", a group living in south-east Angola. The campaign was successful in relieving the latter group of the burden of herding large numbers of cattle. On his way back, Sekgoma decided to further attack the Vagciriku, whose ruler, Nyangana, had previously accepted the status of being a junior ally to Moremi II.

Sekgoma had, however, come into conflict with Nyangana over the latter's killing of a party of white traders, who were on their way to Ngamiland and also for hunting without permission in lands claimed by the Batawana. But these differences may have only been an excuse for the attack, which proved to be a lucrative opportunity to incorporate large numbers of Vagciriku as malata while also seizing their cattle.

Sekgoma is said to have used trickery to secure his victory. Arriving at the well-fortified Vagciriku settlement of Lishora in peace, he showed Nyangana the captured Bakwangadi cattle. He is then said to have boasted that his success was due to the superiority of Thabeng Mogalakwe's gun medicine. As a seemingly friendly gesture, it was agreed that Thabeng would also doctor the Vagciriku guns.

As a result, Nyangana gathered his men together with their guns, which were placed in a big pile under a tree. The Vagciriku ruler was then induced to crawl through what turned out to be a noose, which was tightened securing him. This was the signal for Batawana to ambush the now all but defenceless Vagciriku, whose resulting defeat was complete.

Sekgoma's mephato thus returned to Tsau with some 500 captives, as well as vast herds of cattle. Thereafter the livestock were distributed and/or loaned as patronage, further bolstering Sekgoma's political position.

When news reached London via Barotseland [western Zambia] of Sekgoma's exploits, the principal British concern was the effect that the raid might have on

their relations with Germany and Portugal, the nominal colonial overlords of the Vagciriku and Bakwangadi.

In fact, like the British, at the time neither the Germans nor the Portuguese had any genuine administrative presence in the region. This resulted in confused correspondence between Berlin, Lisbon and London as to what exactly had occurred, with the hapless Nyangana initially being seen as the aggressor.

It was in the above context that London directed that a contingent of Bechuanaland Border Police, under the command of Lieutenant A.E. Walshe, should finally be posted at Tsau. Germany only established a degree of control over northern Namibia, including the Caprivi in 1908, while the Portuguese were even slower in establishing their effective occupation in the region.

The aftermath of the 1893 expedition marks the beginning of Sekgoma's deeper conflict with the British.

All the King's Men

In the aftermath of his successful raids on the Bakwangadi and Vagciriku, Kgosi Sekgoma continued to cultivate support among Batawana commoners and his non-Batawana subjects. Prominent among his loyalists was the then-leading Moyeyi kgosana Mokgwathi. At the time many Wayeyi were held as malata by prominent Batawana dikgosana, who pejoratively referred to them as Makuba. In struggling to free themselves from the suffering of forced servitude the Wayeyi had found a strong supporter in the local London Missionary Society Evangelist Sebolai Shomolokai, who uncompromisingly condemned the institution of *bolata* as the sin of slavery.

Sekgoma's support for the Wayeyi may have been more opportunistic. Greater freedom for Wayeyi vassals undermined the position of their masters, who were mostly composed of the Kgosi's political enemies.

During the 1890s, Ngamiland, like the rest of Botswana, suffered from a series of natural disasters. Severe drought occurred from 1895 to 1897, while huge locust swarms infested the area throughout the decade. Having stored large amounts of grain in his granaries, Sekgoma was, however, able to turn the drought to his political advantage by generously redistributing his surpluses to the needy. Rinderpest also arrived in Ngamiland in 1896. As in other areas of Botswana, this resulted in the severe loss of both livestock and wildlife.

From the admittedly anecdotal evidence, it does not appear, however, that nearly as many cattle were killed in the region as in southern and eastern Botswana,

where some 90% of the livestock perished. Indeed, much of western Ngamiland was said to have been unaffected. This relatively good fortune can at least in part be attributed to Sekgoma's efforts to restrict the movement of cattle during the crisis. Disruptions in nature during the period also led to population migration. Before the 1890s, Batawana were concentrated in the south-east around Lake Ngami.

But, in the 1890s, Lake Ngami had dried up. This resulted in many people relocating further north along the edges of the Okavango Delta, an area that had previously been occupied by fewer people due to the prevalence of tsetse flies.

By the end of the decade, the reduction of wildlife in and around the Delta due to rinderpest had resulted in a significant, though temporary, reduction in tsetse fly. It was in this context that Sekgoma moved his headquarters to Tsau, on the edge of the swamps. The 1890s further coincided with the activities of rival business ventures for ultimate control of the Batawana Kingdom.

Sekgoma versus Rhodes

Throughout the 1890s Kgosi Sekgoma often found himself at odds with colonial authority. As with the case of his southern contemporaries Dikgosi Bathoen I, Linchwe I, and Sebele I, the cause of much of Sekgoma's initial conflict was rooted in the corrupt relationship that then existed between the Mafikeng authorities and Cecil Rhodes' British South Africa or Chartered Company (BSACo).

In the context of consistent colonial backing of BSACo political as well as commercial interests before the 1896 Jameson Raid, it is not surprising that Batawana claims over the Ghanzi and Boteti regions, as well as the eastern Caprivi, were rejected.

In 1893 a Chartered Company agent named Bosman had further tricked Sekgoma into signing a document granting the BSACo defacto control over Ngamiland. However, Sekgoma, with backing from the rival British West Charterland Company, was able to successfully challenge the validity of the Bosman concession.

The 1894 arrival of the first British magistrate, Lieutenant Walshe, led to a conflict of a different sort. Walshe called for Sekgoma's removal but instead ended up being removed himself for his personal indiscretions.

Shortly after his arrival, Walshe had paid ten pounds sterling to a Motawana kgosana for the services of a female lelata named Ngwananaalolwapa, who

became his concubine. The occasional sale of malata to outsiders in Ngamiland had by then been going on for some decades.

When Sekgoma called for Walshe's impropriety to be investigated, he had the strong support of the London Missionary Society. Captain Fuller was sent to investigate the scandal, which resulted in Walshe's dismissal.

Walshe was replaced by a new magistrate named Phipps. In line with colonial policy Phipps tried to assert his administrative and judicial authority over Sekgoma. At one point Phipps called for reinforcements after allegedly being threatened by Sekgoma, who continued to insist that he remained the supreme ruler in Ngamiland.

Shortly thereafter Phipps died and was replaced by Merle Williams, not to be confused with his superior the Bechuanaland Protectorate Resident Commissioner Ralph Williams. Both of these men ultimately brought about Sekgoma's removal from power by linking colonial interests to those of the royal headmen who insisted that Moremi II's son Mathiba was the rightful ruler.

Another group of British businessmen had formed a company known as the British West Charterland, Ltd (BWC), with the primary aim of developing Ngamiland's mineral wealth. A rival to Cecil Rhodes' British BSACo, from the beginning BWC enjoyed Sekgoma's patronage. This was in part because the BWC recognised Sekgoma, rather than Mmamosadinyana, as the "sovereign of the soil" in Ngamiland. The BWC also strongly supported Batawana's claims over the Ghanzi and Boteti regions.

After carrying out extensive geological surveys, the BWC concluded that the minerals with the greatest potential for exploitation were suspected diamond deposits in the area around Letlhakane, whose ownership was then disputed between the Batawana and Bangwato. BWC's ambitions were ultimately thwarted when the British government awarded the entire disputed region to Khama III. As a result, diamonds were only rediscovered in the area during the late 1950s.

Identity Politics

As Sekgoma sought to playoff rival concessionaires throughout the 1890s, he continued to build up his following in Ngamiland. Through raids and tributes, he was able, even in the face of the 1896 rinderpest epidemic, to accumulate large herds of livestock, which were distributed among loyal commoners as *kgamelo* or *mafisa* [loan cattle]. The identities of many beneficiaries of such patronage appear in colonial records, and recorded oral testimony collected by Barry Morton.

Sekgoma also increased his following by taking in orphans as well as impoverished families, who were attached to his cattle posts. Many, if not most, of these clients were Wayeyi. Under Sekgoma they were spared the social indignities associated with bolata or servitude and continued to be included in hunting and raiding parties. This, along with the apparent autonomy granted to Mokgwathi as the senior Moyeyi headman at Gumare, helps to explain the strong support given by Wayeyi in general for Sekgoma's claims to bogosi.

Another cohort who became staunchly bagaSekgoma was the considerable body of young men who have been described by Tom Tlou as the royal "pages". Most of these men were the sons of prominent non-royal ward heads and/or advisors, known as *basimane ba Kgosi*, whom Sekgoma had required to reside with him at his royal ward, Kgosing. There he made himself responsible for clothing, housing, and feeding them. In return the pages performed services for the Kgosi, including acting as his royal guard of mounted gunmen.

Sekgoma’s loyal following was further buttressed by the massive influx of Ovaherero and Ovambanderu escaping the genocidal German occupation of Namibia. Having imposed their "Protectorate" over most of Namibia by the mid-1890s the German colonial regime in Windhoek set out to militarily subdue all local communities as part of a systematic campaign to rob them of their land. Among the first victims of this push for lebensraum was the Ovaherero prince Nicodemus Kavikunua Kambahahiza who, in alliance with the Ovambandero ruler Kahimenua Nguavuva, spearheaded initial armed resistance to the German encroachments. In 1896 the Germans enticed both Nicodemus and Kahimenua to give themselves up with an offer of amnesty. The hapless pair were subsequently executed. Initial German atrocities went well beyond the fate of these two early patriots. Between 1894 and 1896 destruction was rained down on entire communities of Ovaherero, Ovambandero, and Nama, who were suspected of supporting the resistance.

Prisoners were interred in a concentration camp at Windhoek, where they were used as forced labour. The existence of this camp in 1895 contradicts the still common assumption that such facilities first appeared in the region as a result of Lord Kitchener’s mass detentions of blacks as well as Boers during the South African War.

Many others escaped into Ngamiland, where they were given sanctuary by Sekgoma, including Kahimenua’s son Hiatuvao Nguvauva, who was accepted as a vassal ruler.

The most devastating phase of the Kalahari Holocaust began in January 1904 when the Ovaherero Paramount, Samuel Maharero, reluctantly raised the banner

of wider resistance. By the end of the year, indiscriminate killings by German troops convinced most of the indigenous communities of central and southern Namibia to take up arms for their survival. This coincided with the new commanding German General von Trotha's infamous October 2, 1904, Extermination Order against all Ovaherero who did not leave the Kaiser's territory.

Defeated on the battlefield, Samuel Maharero arrived half-starved at Tsau in December 1904, where he was welcomed by Sekgoma. But, in light of British concerns about Ovaherero support for Sekgoma, as well as an understandable fear of allowing them to remain concentrated near the border, from 1905 they pursued a policy of dispersing the refugees. Samuel initially relocated to Makalamabedi, while others found abode in such places as Lentswe-le-Tau and Morwa. Many of the refugees, however, managed to remain in Ngamiland, blending among those who had arrived earlier, while receiving *mafisa* cattle from leading Batawana.

The refugee's destitution provided an economic opportunity for the colonial regime to work alongside the Witwatersrand Native Labour Agency ('Wenela') in channelling male survivors to the Gauteng mines. Previously Ngamiland had been closed to labour recruitment. By August of 1905 three Wenela offices had already been established in the region. Their work was facilitated by the Bechuanaland Protectorate Police, who accompanied labour agents on their recruitment expeditions. Having arrived with virtually nothing Ovaherero households were easily entrapped in debt, which was conveniently leveraged by the labour offices.

The latter force was mobilised in 1895 following the death of the Hambukushu ruler Andara, which resulted in new tensions between the Batawana and Balozi (Barotse) of Lewanika. Sekgoma installed Dibebe II as his new vassal ruler over the Hambukushu, but Lewanika backed the rival claims of a brother named Monkoya. As a result, Sekgoma moved his men once more into supposed German and Portuguese territories to expel the Balozi by force.

As the Balozi were also supposed to be under a British Protectorate, in 1897 Mmamosadinyana's High Commissioner in South Africa, Lord Milner, dispatched the second-ranking Bechuanaland Protectorate official, Goold-Adams, to mediate. The latter proceeded to demarcate a new boundary between the Balozi and Batawana along the Luiana River.

The arrival of Goold-Adams' report caused considerable concern at the Colonial Office in London, as Sekgoma had again ignored internationally recognised German and Portuguese claims over the entire disputed region. This did not stop

Sekgoma from continuing to collect tribute on his side of the Luiana boundary line.

The Coup

It was some time before the British were even aware that Sekgoma's claim to bogosi was challenged. As Barry Moton has concluded, this is in part due to Sekgoma's clever use of forged and fraudulent documents.

Perhaps inspired by the trickery of Rhode's agents, Sekgoma had documents drawn up showing that Khama III, as well as his royal relatives, had all accepted him as the true Kgosi at the time of Moremi's death. Several Batawana dikgosana had been forced to sign the documents.

But, in 1905, by which time Mathiba was a young adult, the same dikgosana moved against Sekgoma with Khama's backing. The resulting British intervention culminated in one of the most important legal challenges of the entire colonial era.

At the core of those opposed to Sekgoma's desire to retain power were his royal relatives. Among these dikgosana were men of considerable wealth and followings in their own right. With the support of the Bangwato Kgosi Khama III, they had arranged for Mathiba to be sent for further education to Lovedale College in the Eastern Cape.

By 1905 Mathiba was seventeen, giving rise to increased calls for his return and installation. At this critical juncture, Sekgoma weakened his position by instituting divorce proceedings against his respected second wife, Bitsang aSeretse, who happened to be Khama III's niece.

Sekgoma desired the divorce due to Bitsang's failure to produce an heir. In this respect, it is perhaps worth noting that, despite well-documented relationships with many women throughout his life, Sekgoma is not known to have fathered any children. This is true even though before his death he recognised a supposed son named David as his heir.

Despite threats and beatings, Bitsang refused to leave Sekgoma resulting in a divorce trial that was held in Francistown. Because Bitsang and her followers failed to respond to the trial's summons, Sekgoma was able to win a one-sided judgment by accusing his wife of adultery with some of his prominent opponents.

When news of the proceedings filtered back to Ngamiland they caused uproar. One of the seemingly slandered individuals was Wethootsile the son of

Sekgoma's heretofore staunch patron Dithapo. As a result, Dithapo now joined Bo-Mogalakwe and other longstanding supporters of Mathiba in plotting Sekgoma's overthrow.

Conditions for a coup were favourable. From Francistown Sekgoma had travelled to Kimberly, seeking medical attention. In his absence, the conspirators gained critical access to the Kgosi's papers when his secretary, Rampodu, joined them.

The conspirators next reached out to the Bangwato Kgosi Khama III, prevailing upon him to arrange for Mathiba's return. They further convinced the phuti to support them in lobbying British officials on their perspective that Mathiba was both the legitimate claimant to the Batawana throne and a better person to carry out colonial instructions.

Hearing of the unrest, Sekgoma arranged an audience with the Protectorate's Resident Commissioner in Mahikeng, Ralph Williams, seeking his continued support. In his autobiography, Williams recalled of the interview:

"I then, and since, have always thoroughly distrusted him [Sekgoma], and I certainly regarded him as a source of grave danger to the peace of the Protectorate; but nevertheless, I never doubted that if he was indeed the rightful chief he should be so declared, and should so remain until he forfeited his rights by some overt act. Indeed at the time, although I greatly disliked the man, I was a little inclined to sympathise with his position, and was not by any means sure that the missionaries were not making rather too plausible a case for their protégé Matibi."

The Williams' Inquiry

The Batawana conspirator's lobbying efforts were reinforced by many of the local traders and LMS missionaries, who generally resented Sekgoma's strong rule. In response to the anti-Sekgoma chorus, the then outgoing British High Commissioner, Lord Milner, decided to detain both Mathiba and Sekgoma, while sending his Resident Commissioner, Williams, to Ngamiland to conduct an inquiry. By then the colonial authorities had received further alarmist reports that Sekgoma was plotting to kill both his opponents and whites.

These false allegations and rumours had been planted by the pro-Mathiba camp among the traders and missionaries. Upon receiving his uncle's letter to return home and take up bogosi the seventeen-year-old Mathiba aMoremi II promptly abandoned his studies in the Cape Colony, boarding a train bound for Bechuanaland. Sekgoma aLetsholathebe also got on a train to get home as quickly as possible.

In line with the High Commissioner, Lord Milner's, instruction, both the Kgosi and claimant were detained. Mathiba was, however, allowed to proceed to Serowe as Khama's guest, while Sekgoma ended up spending over five years in detention without trial at the Gaborone jail. Alert to the rumours of pending violence, the British authorities were initially motivated by a perceived need to act decisively to preserve colonial peace, order, and good government. In this respect, they took seriously the possibility of fighting breaking out between each camp's supporters.

But, by the time Ralph Williams, arrived in Ngamiland to investigate who was entitled to be the Batawana Kgosi, Mafikeng's priorities had shifted. William's terms of reference were to determine who should be recognised as the rightful chief by, in part, taking into consideration which of the two had the most followers.

Underlying the instructions, however, was a more fundamental desire to install the man whose rule would give rise to the least difficulty and expense. Although Williams arrived at Tsau as a supposedly impartial judge, private papers reveal that he had all but made up his mind in favour of Mathiba after holding several interviews with Khama at Serowe, while en route to Ngamiland. In his autobiography, Williams would later describe the two contestants:

Sekgoma himself was a man of middle age, of a crafty disposition, and though not avowedly hostile to us, and while technically obedient to the orders of the Commissioner, he had no love for us. Sekgoma was a native of the ordinary barbaric type, of a singularly crafty disposition, and delighting in the exercise of arbitrary power. Many acts of oppression were alleged against him by those who differed from him, and conditions had arisen that not only seriously endangered the lives of the white traders, but which threatened to result in a general massacre. There is no proof that Sekgoma ever definitely decided to cast in his lot against the British Government, but there was considerable reason to believe that he would do so . . .

"Matibi had been educated by the London Missionary Society at Lovedale College in the Cape Colony, and was now a well-educated lad of, I think, about twenty-one years old."

At Tsau, a two-day enquiry was finally held in June 1906. Williams's administrative assistant and principal translator, Jules "Ramaeba" Ellenberger, also collected a wealth of additional evidence that was generally supportive of Mathiba. Ramaeba's diligent efforts have proved to be of wider long-term historical value. The enquiry confirmed that the tribe was divided, though not

likely to resort to violence. With some difficulty, Williams ultimately engineered what he interpreted as a pro-Mathiba vote.

After it became clear on the first day that Sekgoma's supporters were in the majority the meeting was adjourned so that the Mathiba camp could round up as many of their followers, including malata, as possible to swell their ranks. Non-Batawana, mostly Wayeyi, supporters of Sekgoma, however, were barred from the second day's proceedings. The announcement in favour of Mathiba was greeted with vocal hostility from the Bo-Sekgoma. Williams moved to quiet their tempers by having a Maxim gun fired over their heads. Within a month Mathiba was installed.

Division and Detention

Following his 1906 installation of Mathiba aMoremi II as the Batawana Kgosi eKgolo, Ralph Williams looked forward to a much more cooperative relationship between the Batawana Tribal Administration and the agents of colonial authority. Mathiba was an educated Christian who appeared to be under the responsible influence of the Bangwato Kgosi Khama III. The new Kgosi also enjoyed the support of most of the prominent Batawana headmen, who accepted his legitimacy. By way of contrast, Sekgoma had been a strong and independent ruler who was resistant to colonial authority and critical of missionary influence.

The morafe, however, remained deeply divided with Sekgoma still able to exercise considerable influence from his jail cell. As a precaution, Williams refused to let Sekgoma out of prison. This was justified on the assumption that, if set free, he would cause a disturbance in Ngamiland as he still claimed to be the rightful Kgosi. Sekgoma's continued detention without any legal charge against him, much less trial and conviction was in clear violation of the judicial principle of *habeas corpus*, which holds that a person cannot be held indefinitely without being charged and convicted of a crime. Sekgoma, however, was being detained based on crimes he might commit in the future!

At first Sekgoma's detention was conceived as a temporary expedient to give Mathiba time to consolidate his position. But the young chief proved unable to control Sekgoma's hard-line supporters who ultimately became known by the name "Maitapiso". The Maitapiso faction boycotted the central kgotla and otherwise refused to take any orders from either Mathiba or his councillors. Instead, they maintained constant contact through mail and courier with the imprisoned Sekgoma. Communication was facilitated by several attendants who came to serve the deposed ruler, living just outside the jail fence. In 1908 Mathiba tried to jail three of Sekgoma's leading supports, sparking a near rebellion.

Protectorate Police then had to intervene to assist Mathiba loyalists in disarming a large body of alleged Maitapiso coup plotters. Meanwhile, Sekgoma remained in prison without charge or trial for over five years, refusing repeated offers of voluntary exile in South Africa. The British knew that if he was simply transferred to South Africa, the courts would order his immediate release and they would have no control over him.

Yet, repeated attempts to bribe Sekgoma into renouncing his claim to bogosi failed. His defiance was thus becoming both a legal and political embarrassment.

Courting Disaster

Having used the courts in the past to successfully collect debts from white traders as well as secure his divorce, Sekgoma had some faith in British law. At the urging of the then Ngamiland-based businessman Charles Riley, he decided to mount his legal challenge, beginning a judicial process that was ultimately resolved by a landmark judgment before the Court of Appeal in London.

His initial appeals were directed to the courts of the then-still British Cape Colony, where he tried to obtain his rights of *habeas corpus* (no long-term detention without charge). But, although the laws of the Cape had also become the laws of the Bechuanaland, in November 1906 the presiding Justice Lange ruled that the Colony's courts had no jurisdiction or oversight authority within the Protectorate, observing that:

(1) Sekgoma had not been arrested within the jurisdiction of the court;
(2) the place of detention was beyond the jurisdiction of the court;
(3) that while there had been an allegation that the defendant - Lieutenant-Colonel F W Panzera [who had succeeded Williams as Resident Commissioner at Mahikeng] - resided within the jurisdiction of the court; Sekgoma himself had not been, save during a passing visit, within the jurisdiction of the court.

In March 1907 the British Administration offered to free Sekgoma if he would renounce his claim to the chieftainship and resettle in Barotseland [Western Zambia]. In early 1909 Sekgoma also rejected a second offer of freedom if he agreed to move to the Transvaal.

Instead, Sekgoma decided to send Charles Riley to London to recruit lawyers to bring his case before the British Courts, beginning with the High Court of Justice in England. There, Sekgoma's lawyers applied to compel the British Secretary of State [Minister] for the Colonies, the Earl of Crew, to finally grant a writ of *habeas corpus*. The case was thus given the lofty heading of *"The King George V The Earl of Crewe: Ex parte Sekgome.*

Sekgoma's application centred around the validity of the instrument that kept him in continued detention, a proclamation by the High Commissioner for South Africa, issued on December 5, 1906, which affirmed that [full text]:

Whereas by an Order in Council of Her late Majesty dated the ninth May, 1891, the High Commissioner is empowered to provide for the peace, order, and good government of all persons within the limits of the Order, including the prohibition and punishment of acts tending to disturb the peace; And whereas in that portion of the said limits which is known as the Bechuanaland Protectorate (hereinafter called the Protectorate) there has recently been a division amongst the tribe known as the Batawana respecting the question whether one Mathibe or one Sekgome is the true chief of the tribe which division was seriously endangering the peace of the tribe; And whereas in public and formal meeting of the tribe held in the presence of the Resident Commissioner of the Protectorate it was shown that Mathibe was the rightful chief of the tribe and a vast majority of the tribe accepted Mathibe as their lawful chief; And whereas the said Sekgome is at present outside the limits of the Batawana tribe and his return is a danger to the peace of the tribe and is likely to lead to bloodshed and tribal war; And whereas it has been necessary in order to preserve peace and order within the protectorate to detain Sekgome at a place within the Protectorate distant from the limits of the Batawana tribe, and it is necessary to continue such detention;

Now therefore in and by virtue of the powers in me vested aforesaid I do hereby declare and make known as follows:

1. All acts done, permitted to be done, or sanctioned by the Resident Commissioner with the approval of the High Commissioner with regard to the detention of the said Sekgome prior to the commencement of the proclamation are hereby declared legal and valid, and no proceedings shall be taken to question the legality or validity of any such acts.

2. It shall be lawful for the High Commissioner to order the detention of the said Sekgome during His Majesty's pleasure in any suitable place within the Protectorate, and from time to time to change such place of detention, and also to deport the said Sekgome to any place without the Protectorate where provision shall have been made for his detention in lawful custody.

3. A warrant under the hand of the High Commissioner addressed to the Resident Commissioner or any Assistant Commissioner of the Protectorate or to any person having charge of any station within the Protectorate shall be a sufficient authority for the person named in the warrant to detain the said Sekgome, or to convey the said Sekgome to the place named in the warrant, and

to deliver him into such custody as may be named in the said warrant.

4. The said Sekgome may at any time during his detention within the Protectorate be removed from any one place of detention to any other place of detention therein by warrant under the hand of the High Commissioner duly addressed to any officer of the Protectorate, and the said Sekgome shall during his detention in any place named in any such warrant as aforesaid be under the lawful custody of the person named in the warrant as well as of the Assistant Commissioner within whose district the place named in the warrant is situated.

5. No writ or process whatsoever calling into question the legality of the arrest, detention or deportation of the said Sekgome, as the case may be, or any matter connected therewith, shall have any effect within the Protectorate.

6. It shall be lawful for any police constable to arrest without warrant the said Sekgome if he shall at any time escape from custody, and any person aiding or attempting to aid the said Sekgome to escape or attempt to escape out of any lawful custody as aforesaid shall be guilty of an offence and shall be liable on conviction thereof to imprisonment with or without hard labour for any term not exceeding two years.

7. This Proclamation shall commence and come into operation on the date of its publication in the Gazette.

In 1907 the High Commissioner's authority with respect to the above had been further codified in a legal directive that would become notorious as the "Expulsion Law".

Sekgoma's application was first heard by a Divisional Court of the King's Bench, on December 14, 1909, which in a preliminary opinion rejected Sekgoma's application for release from detention on the grounds that it was a matter for a Court in the Bechuanaland Protectorate, not England. In its ruling, the Divisional Court did, however, express doubt about the validity of the High Commissioner's December 5, 1906 proclamation.

Encouraged by the Divisional Court's ambivalence over the basis of Sekgoma's continued detention, his lawyers escalated the case to the Empire's ultimate judicial authority, the Court of Appeal of the Privy Council. After weeks of further litigation, at the cost of thousands of pounds in legal fees, the Court of Appeal finally rejected Sekgoma's appeal in April 1910. Although the Court agreed with Sekgoma's counsel that there was no court of law in the Bechuanaland Protectorate capable of issuing a writ of habeas corpus, it ruled that

Sekgoma had no right to appeal his detention in Britain because he was not a proper subject of the Empire.

In its reasoning, the Court affirmed that the Habeas Corpus Act of 1862 applied to His Majesty's "territorial dominions" only, and therefore not to a Protectorate such as Bechuanaland. As a "native" resident of Bechuanaland, Sekgoma was instead confined to the legal status of an "uncivilized" non-subject or foreign "Protected Person". As such, any British law did not protect him. In reaching the above judgment, the Court of Appeal correctly noted that British law had never been extended to Bechuanaland and His Majesty's other imperial African Protectorates. Instead, the Bechuanaland Protectorate had been proclaimed in 1885 under the authority of Parliament's Foreign Jurisdictions Act, which authorized London to unilaterally impose its authority over "uncivilized" territories to protect "civilized" interests.

Further to the above, the High Commissioners' sweeping authority over Batswana had been legally defined in a February 1891 Colonial Office a landmark document entitled "Memorandum as to the Jurisdiction and Administrative Powers of a European State holding Protectorates in Africa," authored by an official named John Bramestone. Although specifically drafted for Bechuanaland, it was subsequently applied to other imperial jurisdictions on the continent. Bramestone had legally defined the Bechuanaland Protectorate as:

"An uncivilized territory to which Europeans resort in greater or less numbers and where, in as much as the native rulers of the territory are incapable of maintaining peace, order and good government among Europeans, the protecting power maintains courts, police and other institutions for the control, safety and benefit of its own subjects and of the natives."

In its findings, the Court of Appeal relied on William Edward Hall's subsequent, 1894, "A Treatise on the Foreign Powers and Jurisdiction of the British Crown" which was consistent with Bramestone's earlier opinion.

In reaching their judgment, the Court of Appeal Justices expressed some misgivings about denying a person under defacto British rule the right not to be imprisoned indefinitely without any charge. But, they noted, that their misgivings were:

"Made less difficult if one remembers that the [Bechuanaland] Protectorate is a country in which a few dominant civilized men have to control a great multitude of the semi-barbarous."

Continuing, they noted that while British law and human rights were excellent things, they were not necessarily appropriate to the demands of administering Protectorates such as Bechuanaland. In this respect, they observed that such legal protections as habeas corpus could prove *"ruinous when applied to semi-savage tribes."*

Aftermath

And so it came to be that, in the end, Kgosi Sekgoma, a man who had travelled over a thousand kilometres for European medical services, was proficient in using a typewriter and other then-modern technologies, and who had been both married and divorced according to British law, was denied his most basic human rights due to his supposedly "semi-barbarous" nature.

Likewise, all other indigenous inhabitants of Bechuanaland were by the same judgement confirmed as being of "uncivilized" status and thus collectively unfit for British legal protection. The subsequent colonial era detentions and/or banishments of hundreds of other Batswana, including such prominent individuals as Dikgosi Molefi, Sebele II, Tshekedi, Nswazwi VIII, Gobuamang and Seretse Khama, were thus all legally grounded in the Court of Appeal's landmark judgement in the case of *"The King George V The Earl of Crewe: Ex parte Sekgome.*

In addition to Protectorate Batswana, Sekgoma's fate shocked many among the region's emerging black intelligentsia. A prominent example was Sol [Solomon Tshekisho] Plaatje who drafted an unpublished manuscript on the Kgosi's ordeal "Sekgoma: The Black Dreyfus". Breaking ranks with those campaigning against the incorporation of the Bechuanaland Protectorate into the 1910 Union of South Africa, Plaatje observed in the *Pretoria News* [Willan, 1984] that:

In my opinion, the jurisdiction of the Supreme Court alone warrants the change [i.e. the the incorporation of the Bechuanaland Protectorate into the Union] *as it will give the common people the King's Protection in practice as well as theory."*

In 1911 Sekgoma was freed and, in 1912, allowed to settle in Chobe, where he was soon joined by up to half of Ngamiland's population. In the years immediately following his death in 1914, and death two years later of his adopted son David, most of his followers returned to Ngamiland.

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